

#8/Election
During
11-8-02



DOCKET NO. 92-C-074D3 (STMI01-00024)
Customer No. 30425

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Frank Randolph Bryant
U.S. Serial No. : 09/858,397
Filed : May 16, 2001
For : TRANSISTOR STRUCTURE AND METHOD FOR MAKING
SAME
Group No. : 2822
Examiner : K.B. Duong

BOX NON-FEE AMENDMENT

Commissioner for Patents
Washington, D. C. 20231

Sir:

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed October 9, 2002, Applicants provisionally elect the claims of Group II, claims 46-59, WITH TRAVERSE.

The Restriction Requirement states:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the product as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another an materially different process (MPEP § 806.05(f)). In the instant case, instead of depositing, use thermal oxidation to grow an insulating film on the substrate.

Paper No. 7, page 2. Applicant respectfully notes that the assertion that thermal growth of an

oxide is materially different than deposition of oxide is irrelevant with respect to independent claim 25, which merely recites forming the oxide layer, and is therefore not limited to either deposition or thermal growth. Independent claim 17 is being concurrently amended herewith to similarly recite "forming" rather than "depositing." Accordingly, the asserted basis for restriction no longer exists.


If any issue arises, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at dvenglarik@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 11-1-02


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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement;
2. Supplemental Preliminary Amendment;
3. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to BOX NON-FEE AMENDMENT, Commissioner for Patents, Washington, D.C. 20231, on November 1, 2002.

Date: 11/1/02

Date: 11-1-02

Kathy Longenecker

Mailer

Daniel E. Venglarik

Daniel E. Venglarik

Reg. No. 39,409

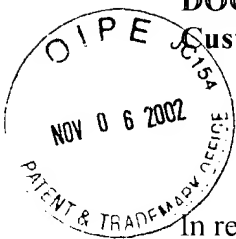
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Sir:

SUPPLEMENTAL PRELIMINARY AMENDMENT

Prior to further examination of the above-identified application, and without withdrawing the prior Preliminary Amendment, please further amend the application as follows:

IN THE CLAIMS:

Please amend the claims as follows, substituting any amended claim(s) for the corresponding pending claim(s):

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